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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE 322nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 26 September 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Nigeria (continued) (CRC/C.8/Add.26; CRC/C.12/WP.4; replies of the Nigerian Government, two documents without a symbol, one in English translated into French and the other in English)

1. The members of the Nigerian delegation resumed their places at the Committee table.

2. Mrs. SARDENBERG asked whether the action plan to meet the objectives of the World Summit for Children was actually being implemented in Nigeria and whether it had served to establish a strategy for children's rights there.

3. Mr. HAMMARBERG said that it was unfortunate that paragraphs 37 to 41 of the report (CRC/C.8/Add.26) dealing with general principles were too succinct and did no more than describe the legal situation. He hoped that information could be provided on measures adopted in areas other than the law to take into account the opinion of the child. He also considered that legislation on non-discrimination was not enough in itself and that public awareness programmes were needed. He asked for further information on the way in which the Nigerian authorities interpreted the principles to which he had referred and on the practical measures that they were taking, in particular to take into account the impact of their decisions on the position of children.

4. Miss MASON asked what the legal age of majority was and whether there were different ages for different purposes and in the different States that made up Nigeria. Did marriage give minors the same civil and political rights as adults and what was the age of criminal responsibility?

5. Mr. KOLOSOV considered that the plan to bring down the age of majority from 21 to 18 was a step in the right direction. However, in view of the fact that the age differed according to the civil right involved, did the Nigerian authorities intend to grant all the fundamental rights set out in the Convention to all minors under 18 years of age?

6. Mrs. KARP asked what the legal age for marriage was in Nigeria, whether it was different for girls and for boys, what measures the authorities intended to take to end the practice of early marriage, whether the inheritance rules were different for boys and girls and what the law provided in the case of children born out of wedlock. She also wished to know how the contradictions between the principles of Islam and the principle of non-discrimination were resolved in matters of inheritance. Lastly, how was the new concept of children's participation taken into account by professionals and authorities and had any steps been taken or would they be taken, in that regard?

7. Mrs. SARDENBERG asked what plans the authorities had to encourage children's participation in social life in general, not just through legislation, but also in daily life.

8. Mrs. BADRAN asked whether it was not with the interpretation of the Koran rather than with the text itself that the general principles of the Convention were in contradiction. Had there been discussions with religious representatives from countries which interpreted the Koran in a more progressive manner?

9. In connection with education, she asked for details about special schools for girls. She also wished to know if steps had been taken to help families send their children to school and to persuade them to do so.

10. Mrs. ATTAH (Nigeria) assured the members of the Committee that all the steps taken in areas of concern to children were based on the best interests of the child. The draft children's decree should put an end to disparity of treatment according to age. At present, no age was fixed for marriage, either for girls or for boys. Nevertheless, the age of 18 years proposed in the draft decree should discourage early marriages.

11. Mr. ADEYEMI (Nigeria) explained that the age of legal majority was fixed at 21 years under common law. The legislation then established different ages for different purposes. However, it had not fixed any age for marriage, which under common law was 14, but in customary law varied from tribe to tribe and was not the same for boys and girls. Marriage did not give the child any extra civil rights.

12. With regard to rights of inheritance the legislation made no distinction, unlike customary law or Islamic law. Inheritance was governed by the regime under which the parents were married. However, under article 39.2 of the Constitution, there could be no discrimination based on the circumstances of the child's birth, and that also went for children born out of wedlock. The draft decree reproduced the provisions of the Constitution concerning non-discrimination and defined the areas in which the child's opinion had to be taken into account.

13. As far as the national action plan was concerned the National Child Rights Implementation Committee took account of it in formulating strategies that would be followed at the national, State and local levels.

14. Miss MASON asked the Nigerian delegation to explain what was to be understood by the term "widowhood practices" in paragraph 28 of the report. Were those practices based on customary law, or merely tradition, and did they have any influence on the implementation of the Convention? Were they not prohibited by law?

15. Mrs. EUFEMIO asked how the opinion of different specialists - doctors, social workers, police officers - and other persons dealing with children in difficulty was taken into account, particularly in legal proceedings, in order to safeguard the child's best interests.

16. Mrs. SARDENBERG asked for information about the situation in Nigeria with respect to the achievement of the education and health objectives of the World Summit for Children. Would the mid-term objectives be achieved and

would adjustments be necessary? Was the Government meeting any practical obstacles in ensuring children's participation in decisions affecting them that were taken in the family, at school and in society at large?

17. Mr. KOLOSOV pointed out that the list of grounds for discrimination that were forbidden under article 2 of the Convention was not exhaustive, but merely indicative. He asked whether the list would be incorporated in full into the final text of the draft children's decree. The principle of respect for children's opinions applied not only in judicial and administrative proceedings, in accordance with article 2 of the Convention, but also in many areas that were not mentioned in the Nigerian report. He was thinking in particular of the right of the child to give his opinion on his education and family life under article 12 of the Convention, which was much wider in scope than article 2. The application of that aspect of the Convention required not just the adoption of legal provisions, but also practical measures to inform and educate the persons concerned and the population at large.

18. Lastly, he wished to know whether Decree No. 1 of 1984 suspending the constitutional provisions safeguarding certain basic human rights was still in force.

19. Mrs. ATTAH (Nigeria) said that the child's best interests had been the guiding principle of Nigeria's policy even before the adoption of the Convention. Integrating the Convention into national law had merely allowed the Nigerian authorities to strengthen national legislation in areas where there were shortcomings. Nevertheless, training and information programmes were still necessary to ensure that specialists dealing with children (police, judges, social workers) and parents knew about the basic provisions of the Convention.

20. She reiterated that the provisions of the Convention and the OAU African Charter for the Rights and Welfare of the Children had been incorporated in full into national legislation and that her country was determined to apply them scrupulously. The implementation of those provisions was, however, impeded by practical difficulties, specifically because of the inadequate training and information given to the various categories of staff dealing with the protection of the child. In addition, the protection of the child had been entrusted to several ministries in succession, which meant there could be no consistent and coherent action, since each in turn had stressed those aspects of the situation of children that were most closely related to its field of competence. Nevertheless, the Federal Ministry of Women's Affairs and Social Development had recently taken over and intended to pursue a policy concentrating more on implementation of the provisions of the Convention. As an example, it had undertaken an information and public awareness campaign in cooperation with UNESCO.

21. Since promulgation of the Constitution of 1979, any discrimination against children on any grounds was forbidden. However she acknowledged that rural areas were at a de facto disadvantage in comparison with urban areas because they were further from the centres of decision-making. In addition, as far as education was concerned, the emphasis had in the past been on teaching boys rather than girls, but the gap between the position of girls and

boys was narrowing rapidly, except in a few regions where progress was being held back by the practice of marrying girls early. However, the authorities were taking action to discourage that practice.

22. Mrs. HOLLOWAY (Nigeria) said that because school curricula were standardized, all pupils in primary and secondary schools acquired the necessary knowledge that was of practical importance for them, particularly in nutrition and health.

23. With respect to the training of teachers in areas concerned with the rights of children, the Government had taken effective steps that would considerably improve the training of primary school teachers, including the introduction of a national certificate in education and the establishment of the National Teachers' Council.

24. As far as inequality between boys and girls in education was concerned, the establishment of special schools for girls was only a minor adjustment in the general system of education, designed to accommodate certain local cultural and religious sensitivities concerning co-education in schools taking girls and boys after the age of puberty. It applied only to the secondary level, only in certain areas and only to limited numbers of pupils.

25. With respect to the participation of children in the decisions that affected them, she said that children could give their opinion on decisions concerning their education from the secondary level onwards. Generally speaking, the authorities considered that the best way of ensuring respect for the childs best interests was to give him an education that fully promoted his development in all areas. To achieve that aim, the Government had not hesitated, for instance, to call upon the financial assistance of the World Bank, which was helping it to cope with the difficulties involved in the structural adjustment programme.

26. Mrs. ATTAH (Nigeria) explained that the inheritance and widowhood practices referred to by some members of the Committee were connected with traditional forms of marriage and applied in only one tribal group. The Federal Ministry of Womens Affair's and Social Development was organizing workshops on the problem and on ways of combating it.

27. Mr. ADEYEMI (Nigeria), replying to Mr. Kolosov's question, said that the provisions of the 1984 decree suspending the exercise of certain basic human rights had been abrogated in 1990. The constitutional provisions safeguarding human rights could be duly invoked in Nigerian courts. Respect for human rights was thus fully ensured in practice in Nigeria.

28. Mrs. KARP, referred to paragraph 39 of the report, which stated that the idea of the best interests of the child had been respected in Nigeria even before the Convention had been ratified. Without doubting the sincerity of that statement, she considered that the situation before and after the implementation of the Convention could not be the same. The idea of the child's best interests as embodied in the Convention more or less summed up the other principles it set forth, which were aimed at making the child a subject in its own right, and not the object of conflicting interests, e.g. in the event of marital differences. She therefore asked whether there was evidence to support the information given in the report in that regard. However that might be, ratification of the Convention ought to oblige the

State to implement a number of measures to educate persons involved in the upbringing of children. Social workers, for instance, had their own idea of the best interests of the child, which might be based on administrative or budgetary considerations. It was therefore necessary to train such persons to ensure that the interests of the child were truly at the heart of their work, in accordance with the spirit of the Convention. On another point, she asked whether the Nigerian Government was considering involving children in disciplinary procedures in schools.

29. Miss MASON drew the Nigerian delegation's attention to the final observations concerning Nigeria adopted by the Human Rights Committee, which had expressed particular concern at the suspension of certain essential human rights, such as the right to a fair trial, and at the military authorities' practice of governing by presidential decree, over which the courts had no control. The independence of the judiciary was a prerequisite for democracy. Noting that there was a question of compensation being paid to victims of breaches of fundamental rights, she asked for information on the number of cases in which the Commission on Human Rights had taken action concerning arbitrary arrests and on the results.

30. Mr. HAMMARBERG, referring to the question of relations between children and the media, pointed out that article 17 of the Convention had two aspects. The first concerned the free access of children to sources of information, while the second was designed to protect them from the bad effects of the media, and particularly from violence and pornography. In that area, legislation alone was not enough, and he asked for details on measures adopted to encourage children's participation and to educate parents. Referring to article 19 of the Convention, he asked for clarification on the legislative provisions adopted to protect children from all forms of violence and on any relevant proceedings in the courts.

31. Mrs. EUFEMIO asked whether bullying was widespread in schools, and if so, what was done about the offender and for the victim. That matter was often swept under the carpet, but it was an important one, for a child might perpetuate bad habits and transmit them to his own children in later life.

32. Mrs. ATTAH (Nigeria) entirely agreed with the view that implementing the Convention required new approaches, involving a major effort to educate children on the one hand and parents, judges, the police and social workers on the other. Such programmes were still at an early stage but the Government was resolved to put them into practice. The participation of children in disciplinary councils in schools had been authorized in Nigeria for several years. Bullying was unfortunately a fact of life, even at university. At the secondary level, when members of the teaching body knew about cases of bullying, they could take measures against the culprit, ranging from the withdrawal of privileges to expulsion. However, greater emphasis should be placed on training teachers to make children aware of their rights, and also of their duties.

33. As far as the media were concerned, ratification of the Convention had led to the launching of a programme called "Speak out", designed to encourage children to express themselves. The Daily Times, the official government newspaper, like most of the daily papers, contained special pages for children. There were also children's magazines, but not enough of them. To remedy the problem of the cost of such publications, copies were made available to pupils free of charge in most schools. The Censorship Board was combating screen violence, in particular, by establishing categories of films, so as to limit children's access to certain productions. However, the Government had much more trouble controlling the video cassette trade.

34. Violence against children took place essentially within the family. It was indeed time it was stopped. As an example to be followed, she mentioned a workshop on conjugal violence that was taking place that very day in Nigeria.

35. Mrs. NZEAKO (Nigeria) explained that the idea of the best interests of the child was taken into consideration not only in juvenile courts but also in others, including those dealing with matrimonial cases. In questions of custody, the family environment, the educational aspects and the economic situation of the parents were determinant factors. Decisions were made on the basis of statements by both parties and the evidence of the child if he was considered sufficiently mature. However, it must be realized that the situation could be a particularly traumatic one for the child; that was why a judge would not allow him to give evidence if he considered him to be too young or too vulnerable. With respect to child abuse, the criminal courts in Nigeria had always dealt with such cases, whether they involved ill-treatment, rape or sexual abuse. That being so, ratification of the Convention meant that further training ought to be organized for judges and police officers, and that would be done.

36. Turning to the question of compensation for victims of torture, she said that there was already legislation on the subject, which was applied in everyday practice by the courts. The same was true of cases of human rights violations, which could be brought before the Court of Appeal or the Supreme Court. She had certified copies of judgements in such cases, which she could make available to members of the Committee. Moreover, the judicial remedies with regard to habeas corpus or violation of basic rights had been restored.

37. Mr. HAMMARBERG pointed out that as far as violence in the family was concerned, legislation, even if it matched article 19 of the Convention on all points, was not enough. Too many people tolerated such violence even while condemning it. Political leaders ought to speak out plainly against such contemptible behaviour.

38. Turning to the question of health, he noted that information both from the Nigerian Government and from United Nations bodies and NGOs painted an alarming picture of the situation. In that connection, he stressed the virtues of preventive measures, on which the emphasis would probably have to be placed pending an improvement in the economic situation. He asked for details about the position of handicapped children in Nigeria and measures taken to combat any prejudice against them.

39. Miss MASON, referring to question No. 21 in the list of issues, asked for details concerning the number of single-parent families in Nigeria. She also wondered what the attitude of the population was to such families and

feared that the children of lone parents might be stigmatized. Specifically, she wished to know whether the fact that a child's mother was unmarried was recorded on its birth certificate. On the standard of living of such families, she asked whether there were plans for social or financial measures to assist them, over and above the Food Security Programme for Households. Was there a national minimum wage?

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

40. Mrs. ATTAH (Nigeria) said that she did not have exact information on primary health care in Nigeria. However, priority was given to preventive care, particularly for people in rural areas who accounted for most of the population. There were many health-care centres, but unfortunately they were not always as effective as they might be, because of budgetary restrictions, but some private institutions, such as the Petroleum Trust Fund, assisted in that area, helping to make good the shortcomings. In 1996, with UNICEF aid, large sums had been devoted to buying medicines and medical equipment.

41. The country had 272 special schools for handicapped children, and the authorities were trying to give such children access to the regular educational system at a later stage. Many schools for handicapped children - blind, deaf or dumb - were run by philanthropic bodies. In addition, there were two universities and other centres training specialist teachers. A recently established press would publish educational material for blind children, more and more of whom were going to university. The authorities were also encouraging employers to take on handicapped persons.

42. The role of the extended family was tending to lose its importance because of the inevitable development of society. There were increasing numbers of single-parent families mainly because of divorce. Nevertheless, children born out of wedlock were not stigmatized: in Nigeria it was considered that a child must always be looked after. Birth certificates did not state whether the child was legitimate or not: the child could bear either the father's name or the mother's.

43. As far as food security was concerned, two programmes had been set up - the Better Life Programme and the Family Support Programme - which were designed to assist women in rural areas in particular by providing them with fertilizers and other products to improve crops whether intended for sale or for direct consumption.

44. A minimum wage had been fixed by the authorities in Nigeria, but it was not enough to live on properly: nor indeed were the higher wages. The situation in country districts caused particular concern since women's wages were lower than the norm. Her Ministry would do everything possible to rectify the situation.

45. In connection with the struggle against poverty, the Family Support Programme assisted women whose husbands had lost their jobs by giving them training and loans to set up micro-enterprises. It was hard for women to obtain credit from traditional banks, and the Government was thinking about establishing a bank exclusively for women. Being aware of the difficult position for workers, the Government had reduced taxes on the lowest incomes. In addition, the National Directorate of Employment was organizing vocational training courses for young people and adults.

46. Mr. HAMMARBERG asked whether the authorities supervised the health work of the private organizations mentioned by Mrs. Attah, which sometimes had links with foreign institutions. He also noted that there were reportedly half a million people in Nigeria who were infected with the AIDS virus, and that estimate was probably lower than the real figure. Was the Government taking steps to protect children affected by HIV against any discrimination against them?

47. Miss MASON asked whether there was a social security system in Nigeria and what were the effects of polygamy on children's maintenance, custody and inheritance rights. Was there a law on child support? What action did the Government take to oblige parents to fulfil their responsibilities in regard to maintenance? She also wished to know the circumstances in which children could be taken from their family environment and whether there were any cases of children having suffered physical or sexual ill-treatment. Were such children then separated from their families?

48. Lastly, it appeared that none of the States of Nigeria had an adoption law. She therefore asked what action had been taken to combat corruption in States with no adoption laws. Was adoption common practice in Nigeria - in particular, international adoption? She asked for further information on access to health care, sex education at school and suicide and pregnancy rates among adolescents.

49. Mrs. KARP asked whether adolescents could obtain information from the health services, e.g. on sex, drugs or AIDS, and have medical treatment without their parents' knowledge. Did the rural population have easy access to such services? At what age could girls have an abortion?

50. Mrs. EUFEMIO asked what role the community played in order to compensate for the disappearance of the extended family, since the Convention established the child's right to have a family. She also asked what distinction was made in Nigeria between fostering and adopting children.

51. Mrs. ATTAH (Nigeria) said that in Africa the tradition was that in case of need a woman could give one or more of her children to her own mother to care for. Fostering was a temporary measure, while adoption was permanent.

52. Private hospitals were duly registered by the federal or national authorities supervising them. Recently the State had threatened to close several private hospitals which were not up to standard. She regretted that she did not have specific information on the number of children with AIDS, but stressed that the Ministry of Health had a programme and a committee to make the population aware of the risks of HIV infection.

53. There was no social security system as such in Nigeria, but the Ministry of Social Protection and the federal and national authorities cared for newborn babies whose mothers had died in childbirth, for elderly or handicapped persons and persons who needed assistance.

54. Cases of a child being removed from its family were extremely rare. Adoption legislation did exist throughout Nigeria, but varied from one State to another. Traditional medicine was widely used in Nigeria, particularly in rural areas, and patients did not hesitate to turn to it when modern medicine did not give them satisfaction. There were no cases of adolescent suicides,

but there were cases of adolescent pregnancies. Nevertheless, abortion was prohibited unless the birth of the child would endanger the mother's health. Single mothers could receive assistance from various public and private organizations.

55. Nigeria had no statistics on single parent families. As far as sex education was concerned, officials from the Ministry of Health regularly visited schools to give pupils information about the dangers of drug taking, abortion and HIV infection.

The meeting rose at 6 p.m.